

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 22-cv-674

TWENTY-EIGHT FIREARMS FROM
VARIOUS MANUFACTURERS, MAKES,
MODELS AND ASSORTED CALIBERS,

Defendants.

VERIFIED COMPLAINT IN REM

Plaintiff, United States of America, by its attorney, Timothy M. O'Shea, United States Attorney for the Western District of Wisconsin, by Heidi L. Luehring, Assistant U.S. Attorney, brings this complaint and alleges as follows in accordance with Supplemental Rule G (2) of the Federal Rules of Civil Procedure:

1. This is a civil action *in rem* brought to enforce the provision of 18 U.S.C. § 924(d)(1) for the forfeiture of any firearm or ammunition involved in or used in any knowing violation of 18 U.S.C. § 922(g)(1).

2. The defendant property consists of twenty-eight firearms seized from Wayne R. Nance, Jr. in Fitchburg, Wisconsin by ATF on May 4, 2022. The twenty-eight firearms consist of the following:

- a. a Glock Model 43, 9mm handgun bearing serial no.: ACTC691, manufactured in Georgia (government seized asset no.: 22-ATF-023378);
- b. a Smith and Wesson 9mm handgun bearing serial no.: LEY0878, manufactured in Massachusetts (22-ATF-023377);
- c. a Ruger .22 caliber rifle bearing serial no.: 0017-62629, manufactured in New Hampshire (22-ATF-023376);
- d. a Remington 8mm caliber rifle bearing serial no.: B6259272, manufactured in New York (22-ATF-023379);
- e. a Remington .308 caliber rifle bearing serial no.: G7165269, manufactured in New York (22-ATF-023380);
- f. a Ruger 30-06 caliber rifle bearing serial no.: 690-72458, manufactured in New Hampshire (22-ATF-023381);
- g. a Romarm/Cugir 7.62 x 39mm rifle bearing serial no.: PT-000033-17, manufactured in Romania (22-ATF-023382);
- h. a Vapor Trail multi caliber rifle bearing serial no.: VT-00081, manufactured in Iowa (22-ATF-023383);
- i. a Walther 9mm handgun bearing serial no.: FCN4984, manufactured in Germany (22-ATF-023384);
- j. a Boito/Amantino 12-gauge shotgun bearing serial no.: J505242-13, manufactured in Brazil (22-ATF-023385);
- k. a Smith and Wesson .45 caliber handgun bearing serial no.: HDZ8672, manufactured in Massachusetts (22-ATF-023386);
- l. a Mossberg 12-gauge shotgun bearing serial no.: UM958225, manufactured in Connecticut (22-ATF-023388);
- m. a Smith and Wesson .38 caliber revolver bearing serial no.: CVH7551, manufactured in Massachusetts (22-ATF-023392);
- n. a Ruger .380 caliber handgun bearing serial no.: 380319224, manufactured in Arizona (22-ATF-023393);

- o. a Ruger 10/22 .22 caliber rifle bearing serial no.: 255-09226, manufactured in New Hampshire (22-ATF-023394);
- p. a Smith and Wesson .40 caliber handgun bearing serial no.: DXT4236, manufactured in Massachusetts (22-ATF-023399);
- q. a Mauser 30-06 caliber rifle bearing serial no.: W1100, manufactured in Germany (22-ATF-023401);
- r. a Glock 9mm handgun bearing serial no.: YML756, manufactured in Austria (22-ATF-023402);
- s. a Canik 9mm handgun bearing serial no.: T8472-21 BC 06956 manufactured in Turkey (22-ATF-023408);
- t. a Ruger .22 caliber pistol bearing serial no.: 500097708, manufactured in Arizona (22-ATF-023410);
- u. a Glock .22 caliber handgun bearing serial no.: ADPU668, manufactured in Georgia (22-ATF-023417);
- v. a Ruger .22 caliber handgun bearing serial no.: 228-89993, manufactured in Connecticut (22-ATF-023415);
- w. a Volquartsen Custom Pistol .22 caliber, bearing serial no.: P00579, receiver manufactured in Iowa (22-ATF-023387);
- x. a Husan Arms Shotgun .12 caliber, bearing serial no.: E1602030, manufactured in Turkey (22-ATF-023395);
- y. a Husan & Ekson bearing serial no. E1602030, manufactured in Turkey (22-ATF-023396);
- z. an AR15 pistol, bearing serial no.: BP-Demo1 (22-ATF-023404);
- aa. an Unknown Pistol (22-ATF-023405); and
- bb. an AR15 receiver bearing serial no.: BP452020, (22-ATF-023406).

3. Plaintiff brings this action *in rem* in its own right to forfeit and condemn the defendant firearms. This Court has jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345 and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the defendant firearms under 28 U.S.C. § 1355(b). Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem*, pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

5. Venue is proper in this district pursuant to 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

6. The defendant property is subject to forfeiture pursuant to 18 U.S.C. § 924(d)(1) because it is unlawful for any person – who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year to...possess in or affecting commerce, any firearm or ammunition which has been shipped or transported in interstate or foreign commerce in violation of 18 U.S.C. § 922(g)(1).

7. On May 4, 2022, Special Agent Michael Aalto (Special Agent Aalto) obtained a search warrant for the residence of Wayne R. Nance, Jr., aka Wayne R. Evangelista, (herein after Nance). Nance's residence is located at 2723 Sunflower Drive, Fitchburg, in the Western District of Wisconsin. At approximately 2:00 p.m. Special Agent Aalto and other officers executed the search warrant by knocking on the door.

When no one answered, Special Agent Aalto tried to call Nance's cell phone, but it stopped as if someone rejected the call. Law enforcement officers then accessed the residence and searched it.

8. In a room identified as Nance's bedroom, based upon its contents and documents, officers located:

- a. a Glock Model 43, 9mm handgun bearing serial no.: ACTC691, manufactured in Georgia (government seized asset no.: 22-ATF-023378); and
- b. a Smith and Wesson 9mm handgun bearing serial no.: LEY0878, manufactured in Massachusetts (22-ATF-023377);

9. The basement was described as Nance's workshop and contained firearms along with evidence and tools associated with manufacturing firearms and suppressors. There was a large safe with a digital lock in the workshop. Just as a locksmith was arriving to open the safe, Nance called Special Agent Aalto. Special Agent Aalto explained the search warrant and after some time Nance provided the combination to the safe. Inside of the safe law enforcement located:

- a. a Ruger .22 caliber rifle bearing serial no.: 0017-62629, manufactured in New Hampshire (22-ATF-023376);
- b. a Remington 8mm caliber rifle bearing serial no.: B6259272, manufactured in New York (22-ATF-023379);
- c. a Remington .308 caliber rifle bearing serial no.: G7165269, manufactured in New York (22-ATF-023380);
- d. a Ruger 30-06 caliber rifle bearing serial no.: 690-72458, manufactured in New Hampshire (22-ATF-023381);

- e. a Romarm/Cugir 7.62 x 39mm rifle bearing serial no.: PT-000033-17, manufactured in Romania (22-ATF-023382);
- f. a Vapor Trail multi caliber rifle bearing serial no.: VT-00081, manufactured in Iowa (22-ATF-023383);
- g. a Walther 9mm handgun bearing serial no.: FCN4984, manufactured in Germany (22-ATF-023384);
- h. a Boito/Amantino 12-gauge shotgun bearing serial no.: J505242-13, manufactured in Brazil (22-ATF-023385);
- i. a Smith and Wesson .45 caliber handgun bearing serial no.: HDZ8672, manufactured in Massachusetts (22-ATF-023386);
- j. a Mossberg 12-gauge shotgun bearing serial no.: UM958225, manufactured in Connecticut (22-ATF-023388);
- k. a Smith and Wesson .38 caliber revolver bearing serial no.: CVH7551, manufactured in Massachusetts (22-ATF-023392);
- l. a Ruger .380 caliber handgun bearing serial no.: 380319224, manufactured in Arizona (22-ATF-023393);
- m. a Ruger 10/22 .22 caliber rifle bearing serial no.: 255-09226, manufactured in New Hampshire (22-ATF-023394);
- n. a Smith and Wesson .40 caliber handgun bearing serial no.: DXT4236, manufactured in Massachusetts (22-ATF-023399);
- o. a Mauser 30-06 caliber rifle bearing serial no.: W1100, manufactured in Germany (22-ATF-023401);
- p. a Glock 9mm handgun bearing serial no.: YML756, manufactured in Austria (22-ATF-023402);
- q. a Canik 9mm handgun bearing serial no.: T8472-21 BC 06956 manufactured in Turkey (22-ATF-023408);
- r. a Ruger .22 caliber pistol bearing serial no.: 500097708, manufactured in Arizona (22-ATF-023410);

- s. a Glock .22 caliber handgun bearing serial no.: ADPU668, manufactured in Georgia (22-ATF-023417);
- t. a Ruger .22 caliber handgun bearing serial no.: 228-89993, manufactured in Connecticut (22-ATF-023415);
- u. a Volquartsen Custom Pistol .22 caliber, bearing serial no.: P00579, receiver manufactured in Iowa (22-ATF-023387);
- v. a Husan Arms Shotgun .12 caliber, bearing serial no.: E1602030, manufactured in Turkey (22-ATF-023395);
- w. a Husan & Ekson bearing serial no. E1602030, manufactured in Turkey (22-ATF-023396);
- x. an AR15 pistol, bearing serial no.: BP-Demo1 (22-ATF-023404);
- y. an Unknown Pistol (22-ATF-023405);
- z. an AR15 receiver bearing serial no.: BP452020, (22-ATF-023406).
- aa. a Military Armament Corp. M10 .45 caliber, bearing serial no.: 208245, (22-ATF-023391);
- bb. an Unknown Pistol, (22-ATF-023403);
- cc. a Homemade-Gray Silencer, (22-ATF-023419);
- dd. a Homemade-Gray Silencer, (22-ATF-023424);
- ee. a Homemade-Black Silencer, (22-ATF-023425);
- ff. a Homemade-Gray Silencer Big Papa #2 .45 caliber, bearing serial no.: BPF202122-1 (22-ATF-023427);
- gg. a Homemade-Gray Silencer Big Papa #1 .45 caliber, bearing serial no.: BPF202145-1, (22-ATF-023429); and
- hh. a Homemade-Gray Silencer Little Papa #2 9 caliber, bearing serial no.: BPF-B0219-1 (22-ATF-023430).

10. Special Agent Aalto also located in the safe, a framed fraudulent federal firearms license for Big Papa Firearm Academy.

11. Law enforcement also located documents and invoices indicating that Nance was manufacturing firearms under the business name of Big Papa Firearm Academy.

12. A check of the Federal Firearms Licensee database indicated Nance does not hold a federal firearms license for himself or his business.

13. Big Papa's Firearm was also etched on suppressors and machine guns found in the safe.

14. Nance's mother arrived at the residence while the search was being conducted and said that she did not own any guns, and that none of the guns in the basement were hers.

15. During our investigation law enforcement learned Nance was on the board of an area gun club. Documents seized in the investigation show that Nance has held himself out as a certified firearms trainer and as a federal firearms licensee who was in the business of manufacturing suppressors and machine guns.

16. Nance was convicted and sentenced on November 24, 2014, in the District of Connecticut for possession of a firearm by a felon. He was sentenced to 63 months in prison to be followed by three years of supervised release. He began his term of supervised release on April 2, 2016 and was living with his mother at 2723 Sunflower

Drive, Fitchburg, Wisconsin. Jurisdiction was transferred to the Western District of Wisconsin on November 8, 2017 (case number 17-cr-107-jdp).

17. In 2012, a law enforcement officer compared fingerprint cards from a 1996 case (where defendant identified himself as Wayne Nance) and a 2012 case (where defendant identified himself as Wayne Evangelista). The officer determined that Wayne R. Nance, Jr., and Wayne R. Evangelista are the same person and that his Nance is his birth name and Evangelista is the name of his ex-wife.

18. On or about August 25, 2022, Christopher Nance, brother of Wayne Nance, filed an administrative claim with ATF to the firearms listed in paragraph 2. The government seeks to forfeit the twenty-eight firearms described in this action.

19. On or about September 23, 2022, ATF entered administrative forfeiture orders on the assets listed in paragraph 9 as items aa-hh.

20. Any additional facts and circumstances supporting the seizure of the defendant property are contained within the attached declaration and incorporated herein this complaint.

WHEREFORE, the United States of America prays:

- (1) that process of warrant be issued for the arrest of the defendant property;
- (2) that due notice be given to all parties to appear and show cause why the forfeiture should not be decreed;
- (3) that judgment be entered ordering the property to be forfeited to the United States of America for disposition according to law; and

(4) that the United States of America be granted such other relief as this Court may deem just and proper, together with the costs and disbursements of this action.

Respectfully submitted this 22nd day of November 2022.

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